

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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MINISTER KHURT BEY ex rel CURTIS CLYDE :  
BEATTY, :

Plaintiff, :

v. :

THE STATE OF NEW YORK, FAMILY :  
COURT OF THE STATE OF NEW YORK, :  
COUNTY OF WESTCHESTER, :  
JUDGE NILDA MORALES HOROWITZ and all, :  
agents, DIEDRA JOHNSON, :

Defendants. :

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Civil Docket No. 11-222 (FSH)

**ORDER**

February 1, 2011

**HOCHBERG, District Judge:**

This matter having come before the Court upon *pro se* Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915; and Plaintiff having filed a Complaint on January 14, 2011;<sup>1</sup> and

this Court having reviewed Plaintiffs' indigency status and having *sua sponte* screened the Complaint pursuant to 28 U.S.C. §1915(e)(2)(B) to determine if it is frivolous or fails to state a claim; and

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<sup>1</sup> The Complaint is improperly captioned a "Notice of Removal from State Court to Federal Court." While 28 U.S.C. § 1441(a) provides that "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending," this action was filed by Plaintiff, not Defendants, and appears not to have been originally filed in a state court.

it appearing that Plaintiffs' Complaint is frivolous in that, giving Plaintiffs all reasonable inferences, the Complaint raises no federal grounds upon which relief may be granted,<sup>2</sup> nor does it provide a basis upon which this Court might exercise diversity jurisdiction,<sup>3</sup>

**IT IS** on this 1st day of February, 2011, hereby

**ORDERED** that Plaintiff's application to proceed *in forma pauperis* is **GRANTED**; and it is further

**ORDERED** that Plaintiff may file an Amended Complaint by February 28, 2011 to state a valid cause of action against Defendants; and it is further

**ORDERED** that if Plaintiff fails to file an Amended Complaint that comports with this Order, his Complaint will be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I).

/s/ Faith S. Hochberg  
**Hon. Faith S. Hochberg, U.S.D.J.**

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<sup>2</sup> Plaintiff appears to seek, *inter alia*, a refund of money he posted as bail after his arrest and an injunction barring continuing proceedings in family court in Westchester County, New York. At the heart of the Complaint is Plaintiff's desire to seek review of an order issued in the courts of those proceedings, a review more properly pursued through state appellate review. Plaintiff does not set forth any federal claims nor state the federal laws upon which he relies.

<sup>3</sup> Plaintiff does not set forth his own citizenship, nor that of any of the Defendants.